

Remarks

Claims 1-12, 14-24, and 26-36 are pending.

Rejection of Claims under 35 U.S.C. § 103

Claims 1-6, 8-9, 11-12, 15-18, 20-24, 26-30, and 32-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dworkin, U.S. Patent No. 4,992,940 in view of Kennedy, U.S. Patent No. 5,787,453. Claims 7, 10, 19, and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dworkin and Kennedy in view of Bosco et al., U.S. Patent No. 5,191,522 (Bosco). The applicants respectfully traverse these rejections.

Dworkin, Kennedy, and Bosco taken alone or in combination neither teach nor suggest a product rate calculation system including:

- a database interface operable to request and receive product rate information from a database, the product rate information including at least one product rate expression;

- a product rate information cache storing product rate information;

- an expression evaluation routine operable to parse a product rate expression stored in the product rate information cache into at least one token, and operable to evaluate the at least one token to determine a product rate; and

- a client interface operable to provide the product rate to a client application running on a computer system,

as required by independent claim 1 and generally required by independent claims 15, 26, and 27.

Regarding the claimed database interface operable to request and receive product rate information from a database, the Examiner refers to CPU 1 of Dworkin which is connected to database 3. Office Action of May 15, 2003, p. 4, ¶b. Regarding the product rate information including at least one product rate expression, the Examiner refers to various data in Dworkin's database 3 including product list price, lowest price, average price, and shipping information. In particular, the Examiner cites these portions of Dworkin:

For each product, the entries in FIG. 6 include a number which identifies the product, the name of the manufacturer, the manufacturer's model number for the product, the lowest price available among all the vendors in the database, the average price for the product for all the vendors in the database, and the list price for the product. The entries for lowest price and the average price can be calculated anew for each search, by searching the database for each vendor selling a particular item, and noting the price offered by each vendor. Alternatively, these values can be stored in the database, and displayed without recalculating. (column 6, lines 26-37)

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Block 65 can also include the step of calculating the shipping charges for the product. In the preferred embodiment, the database also includes a detailed table giving shipping charges, as established by a common carrier, for substantially every combination of shipping weights and distances. The system is programmed to calculate the gross shipping weight from a knowledge of the net product weight. The net product weight is preferably part of the detailed specifications of the product. The system adds a predetermined percentage to that weight, to account for the weight of the container, also taking into consideration the number of units which can be packed in one container. The system then determines the shipping charge by consulting its stored table and calculating the amount based on distance and total weight. The system can then display the shipping charge to the user immediately, and can add such charge to the bill. The system can do the same for a C.O.D. charge, if any. (column 8, lines 38-56)

The applicants respectfully disagree with the Examiner's conclusion.

Neither the cited portions of Dworkin, nor any other portion of Dworkin teach or suggest product rate information including at least one product rate expression. None of the referenced pieces of data (e.g., product list price, lowest price, average price, and shipping information) teach or suggest a product rate expression, i.e., an expression that when evaluated yields a product rate. Dworkin does teach that "entries for lowest price and the average price can be calculated anew for each search," but that neither teaches nor suggests that a product rate *expression* exists on the database or that such an expression can be requested and received by a database interface.

Regarding the claimed product rate information cache storing product rate information, the Examiner refers generally to Dworkin's database 3. Office Action of May 15, 2003, p. 4, ¶c. The applicants note that the claimed product rate information cache is distinct from the database from which the claimed database interface can request

and receive product rate information. Thus, Dworkin's database 3 cannot teach both the product rate information cache and the database because it is a single database and there is no associated cache functionality taught or suggested.

Regarding the claimed client interface operable to provide the product rate to a client application running on a computer system, the Examiner appears to refer to Dworkin's terminal 5 when she states "a terminal for displaying the products to the user, including the price of the product . . . ." Office Action of May 15, 2003, p. 5, ¶e. The applicants note that in referring to terminal 5, the Examiner makes no effort to identify that which she considers to teach the client interface and that which she considers to teach the client application to which the client interface can provide a product rate. Thus, the applicants respectfully submit that Dworkin's terminal 5 neither teaches nor suggests a client interface operable to provide the product rate to a client application running on a computer system.

Finally, regarding the expression evaluation routine, the Examiner refers to the teachings of Kennedy. In combining the teachings of Dworkin and Kenney, the Examiner states that:

It would have been obvious to one of ordinary skill in the art . . . to add the formula parser of Kennedy to the system of Dworkin with the motivation of providing users with little grasp of computer programming methodologies a way to develop systems to calculated virtually anything of a mathematical nature once they can identify the source of data to be used, a target location for the result, and the fundamental mathematical operations needed to derive the result (Kennedy; col. 3, lines 30-35) and providing a system that allows a user to determine the best price available for a product or service meeting a set of specifications (Dworkin; col. 1 lines 5-60). Office Action of May 15, 2003, pp. 5-6.

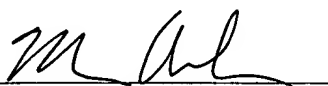
The applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness. In addition to the claim elements not taught or suggested by the cited references as described above, the Examiner has not shown that there is some suggestion or motivation to combine Dworkin and Kennedy, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. The Examiner merely points to the respective motivations/advantages of the two references, but points to no motivation or suggestion for the *combination* of the

references. There is nothing in "providing a system that allows a user to determine the best price available for a product or service meeting a set of specifications" that motivates a combination with the formula parsing of Kennedy, and there is similarly nothing in "providing users with little grasp of computer programming methodologies a way to develop systems to calculated virtually anything of a mathematical nature once they can identify the source of data to be used, a target location for the result, and the fundamental mathematical operations needed to derive the result" that motivates a combination with the system for determining the best price available for a product or service of Dworkin. Moreover, the applicants respectfully submit that the Examiner has failed to explain what specific understanding or technological principle within the knowledge of one of ordinary skill in the art would have suggested the combination, as required by, for example, *In re Rouffet*, 47 USPQ2d 1453 (Fed. Cir. 1998).

Accordingly, the applicants respectfully submit that independent claims 1, 15, 26, and 27 is allowable over Dworkin, Kennedy, and Bosco taken alone or in combination. Claims 2-12 and 14 depend from claim 1 and are allowable for at least this reason. Claims 16-24 depend from claim 15 and are allowable for at least this reason. Claims 28-36 depend from claim 27 and are allowable for at least this reason.

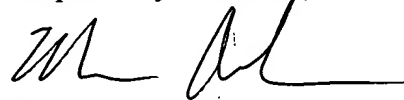
In view of the remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop: Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450, on Aug 15, 2003.

  
Attorney for Applicant(s)

8/15/03  
Date of Signature

Respectfully submitted,



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